

D/f

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

ISLAND SWIMMING SALES, INC.,

Plaintiff,

Case No.: CV 05-3982

v.

FLEXIBLE SOLUTIONS  
INTERNATIONAL, INC.,

Defendant.

The Honorable Judge  
Arthur D. Spatt

The Honorable Magistrate  
Judge E. Thomas Boyle

**AGREED ORDER TO VOLUNTARY DISMISS  
WITH LEAVE TO REINSTATE**

This cause coming to be heard on a joint stipulated request of Plaintiff, Island Swimming Sales, Inc. ("Island") and Defendant Flexible Solutions International, Inc. ("FSI");

WHEREAS, the parties bring this cause to facilitate ongoing, good faith settlement negotiations;

WHEREAS, the time for FSI to Answer has not yet elapsed;

WHEREAS, FSI agrees not to initiate an action against Island, or the directors, officers, owners, shareholders, customers, employees or affiliates of Island, during the later of the term of the voluntary dismissal or until after April 7, 2006;

WHEREAS, in the event that a settlement is not achieved and Island elects to file a new action in the Eastern District of New York, Island agrees to consent to any application by FSI to extend the time for FSI to Answer up to and including April 28, 2006;

WHEREAS the parties agree to reserve all of their rights, and agree that the Voluntary Dismissal to facilitate settlement negotiations shall not result in the loss or waiver of any rights, claims, causes of actions or defenses of any kind;

THEREFORE, the parties each stipulate and agree to Voluntarily Dismiss this Lawsuit Without Prejudice and With Leave to Reinstate in the Eastern District of New York on or before March 31, 2006, in the event that the parties are not able to reach a mutually acceptable settlement by that date;

Upon stipulation and agreement of all parties, as indicated below, and for good cause shown, **IT IS HEREBY ORDERED THAT:**

1. this action is hereby voluntarily dismissed, without costs to either party; and
2. leave is granted to reinstate this action, after ninety (90) days of the date of the entry of this Agreed Order or March 31, 2006, whichever is sooner, if a mutually acceptable settlement is not achieved.

DATED: December 1, 2005

Case closed

**ENTER:**

THE HONORABLE ARTHUR D. SPATT  
UNITED STATES DISTRICT COURT JUDGE

**Stipulated and Agreed to by All Parties:**

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